

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Shelton Demond Ketter,
PETITIONER

v.

United States of America,

RESPONDENT

Crim. No. 4:09-cr-00851-TLW-1
C/A No. 4:14-cv-02411-TLW

Order

The parties are directed to file supplemental briefing in this case regarding the impact of the Fourth Circuit's recent decision in *United States v. McLeod*, ___ F.3d ___, 2015 WL 6575673 (4th Cir. 2015) on Petitioner's § 2255 motion, ECF No. 169. In the Government's response and motion for summary judgment, the Government asserted that the petition should be dismissed as untimely, as procedurally barred, and on the merits. The Government is directed to specifically state its current position on each of these grounds in light of *McLeod* and the filings by Petitioner indicating that each of his eleven predicate convictions were for non-violent second degree burglary (ten completed burglaries and one attempted burglary). *See* ECF No. 169-1.

The Government is directed to file its brief within 21 days of the date of this order. Petitioner is directed to file his response within 21 days of the Government filing its brief. Any reply by the Government is due within 7 days of Petitioner filing his response.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

December 8, 2015
Columbia, South Carolina